

Pursuant to Rule 65(b), Federal Rules of Civil Procedure, a temporary restraining order may be granted without notice to the adverse party only if: 1) it clearly appears from specific facts shown by affidavit or verified complaint that immediate and irreparable injury, loss or damage will result before the adverse party can be heard in opposition, and 2) the

1 applicant's attorney certifies the reasons that notice should not be required. The court has
2 reviewed Andina's application and finds that Andina has not stated facts sufficient to show
3 immediate and irreparable injury that would require the court's decision before the adverse
4 party can be heard in opposition. However, the court finds Andina has stated facts sufficient
5 to show a need for consideration of injunctive relief at the earliest possible time. The court
6 will therefore direct opposition briefing and schedule a hearing at the earliest possible time
7 consistent with the court's availability.

8
9 THEREFORE, it is hereby ORDERED that Gallo may file and serve any opposition
10 to Andina's application for stay pending appeal, issuance of TRO or preliminary injunction,
11 or modification of preliminary injunction not later than 4:00 p.m. on Tuesday July 11, 2006.
12 Hearing on Andina's application will be held at 9:00 a.m. on Tuesday, July 18, 2006, in
13 courtroom 2.

14
15 IT IS SO ORDERED.

16 **Dated: July 7, 2006**
17 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE